

<p style="text-align: center;">TITLE XI BUSINESS REGULATIONS CHAPTER 117: VEHICLE-RELATED BUSINESSES</p>
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CHAPTER 117: VEHICLE-RELATED BUSINESSES

**ARTICLE I
REPAIR SHOPS AND WRECKER
SERVICES**

117.01 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Motor vehicle. Every self-propelled device in, upon or by which any person or property is or may be transported or drawn over public streets and highways, except devices used exclusively upon stationary rails or tracks. "Motor vehicle" shall include, but shall not be limited to, automobiles, trucks, tractors, motorcycles, implements of husbandry, or buses.

Motor vehicle repair shop. Any business where motor vehicles are repaired for a charge and any place where the work of repairing motor vehicles is carried on as an incident to the business of selling new or used motor vehicles, or new or used motor vehicle parts, or as an incident to any other traffic in motor vehicles or their parts or equipment.

Motor vehicle wrecker service. Any business which, as a part of its operation, tows disabled motor vehicles for a charge.

Repair work on motor vehicles. Any work on the premises of a motor vehicle repair shop which requires direct or indirect physical contact with a motor vehicle or part thereof.

(Code 1965, §13C-1; Ord. No. 2190, 1-20-76; Code 1991, §117.01)

117.02 Storage Of Wrecked Vehicle

(A) No person in charge of or in control of a motor vehicle repair shop, or a motor vehicle wrecker service, whether as owner, lessee, tenant, occupant or otherwise, shall allow any partially dismantled, nonoperable or wrecked motor vehicle to be stored on the premises longer than 10 days, unless said motor vehicle is stored in an enclosed building or is stored behind a six-foot fence constructed of such material that the motor vehicle is not readily visible by motorists or pedestrians. A six-foot view-obscuring fence may be constructed in accordance with this section, notwithstanding any provision of the city's zoning code (Chapter 160).

(B) No person in charge of, or in control of, a motor vehicle repair shop, or a motor vehicle wrecker

service, whether as owner, lessee, tenant, occupant or otherwise, shall allow any partially dismantled, nonoperable or wrecked motor vehicle to be stored within 50 feet of a public street right-of-way; provided, if a building structure is lawfully located closer than 50 feet from the street right-of-way, no partially dismantled, nonoperable or wrecked motor vehicle shall be stored closer to the street right-of-way than the wall of the building.

(Code 1965, §§13C-2, 13C-3; Ord. No. 2190, 1-2-76; Ord. No. 2196, 2-17-76; Code 1991, §117.02)

117.03-117.09 Reserved

**ARTICLE II
USED CAR SALES**

**117.10 Report To Police Department
Required**

All automobile dealers in the city are required to furnish to the police department a list of all used cars sold by the dealer, setting forth such information as is prescribed by the police department.

(Code 1965, §19-8; Ord. No. 1447, 6-7-65; Code 1991, §117.10)

117.11-117.19 Reserved

**ARTICLE III
REPEALED**

117.20-117.29 Reserved

**ARTICLE IV
TAXICABS**

117.30 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Certificate. A Certificate of Public Convenience and Necessity issued by the City Council, authorizing the holder thereof to conduct a taxicab business in the city.

Driver's permit. The permission granted by the Chief of Police, or his duly-appointed representative, to a person to drive a taxicab upon the streets of the city.

Holder. A person to whom a Certificate of Public Convenience and Necessity has been issued.

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Manifest. A daily record prepared by a taxicab driver and/or taxicab company of all trips made by company vehicles showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

Person. Includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association.

Rate card. A card issued by the city for conspicuous display in each taxicab which contains the rates of fare then in force.

Taxicab. A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than seven passengers and not operated on a fixed route. This definition expressly excludes limousines.

Waiting time. The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers.

(Code 1965, Sec. 20-16; Ord. No. 1910, 4-3-73; Code 1991, §117.30; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.31 Rates

- (A) All taxicabs shall utilize a meter for calculation of rates and such apparatus shall be clearly visible to the occupant of the vehicle.
- (B) The City Council has the authority to establish the maximum allowable rates for all taxicabs, consistent with the provisions of Arkansas Code Annotated § 14-57-303 for the City sponsored taxi program utilizing City issued taxi coupons. The City Council shall utilize the percentage change as calculated utilizing the change, from year to year, of the rate per mile published by the Internal Revenue Service for the allowed mileage reimbursement rate for Federal Income Tax purposes. Each licensed taxi company shall, on an annual basis, submit to the Fayetteville Police Department the fare schedule the taxi company will utilize for the next twelve (12) months and each taxi company shall cause this fare schedule to be posted prominently within each taxi in full view of the passenger.
- (C) The maximum allowable rate effective November 1 shall be left undetermined and shall be established by City Council Ordinance at any time deemed necessary by the Fayetteville City Council.
- (D) Zone A shall be bounded on the west by Razorback

to Maple to Garland, on the North by Drake to Gregg Avenue to Futrell/Milsap Road, on the East by College Avenue, Rock Street to Mill Avenue to Huntsville Road to Morningside Drive and on the South by 15th Street. Zone B shall be the remaining portions of Fayetteville not incorporated in Zone A. A Taxi Zone Map, marked Exhibit A, is attached hereto and made a part hereof.

(Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04; Ord. 4777, 10-04-05; Ord. 5503, 6-5-12)

Cross reference(s)--Public Transit Board, §33.320.

117.32 Certificate Of Public Convenience And Necessity Required; Issuance Procedure

- (A) No person shall operate or permit a taxicab or limousine owned, leased or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a Certificate of Public Convenience and Necessity from the Fayetteville City Council.
- (B) An application for a certificate shall be filed with the Police Department upon forms provided by the city, and said application shall be verified under oath and shall furnish the following information:
 - (1) The name and address of the applicant, including the name and address of all officers and stockholders of the company, if incorporated, and the name of the person to whom complaints should be directed;
 - (2) The financial status of the applicant, including the financial status of the officers and stockholders of the company, if incorporated, including the amount of all unpaid judgments against the applicant (officers and stockholders of the company, if incorporated), and the nature of the transaction or acts giving rise to said judgments;
 - (3) The experience of the applicant including all officers and stockholders of the company, if incorporated, in the transportation of passengers;
 - (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;
 - (5) The number of vehicles to be available for operation or controlled by the applicant and the location of proposed depots and terminals. The applicant shall furnish a minimum and maximum number of vehicles to be permitted;

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- (6) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;
 - (7) The hours between which the applicant proposes to provide taxicab or limousine service to the general public, and the days, if any, on which the applicant does not propose to provide taxicab service to the general public, and;
 - (8) The rate schedule which the applicant proposes to use to charge passengers.
- (C) *Public Hearing for Certificate.* When the Police Department notifies the City Clerk that a proper and adequate application has been filed, the City Clerk shall fix a time and place for a public hearing thereon. The City Clerk shall thereupon notify the applicant who shall have the duty to notify all holders of current and valid Certificates of Public Convenience and Necessity for taxicabs and pedicabs and provide proof of such service to the City Council. Any interested person shall have the right either in person or by representatives of their own choosing to be present at all such hearings and to introduce evidence and to be heard either in support of or opposition to the issuance of a certificate.
- (D) *Findings of the City Council.*
- (1) If the City Council finds that further taxicab or limousine service in the city is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this subchapter, then the city clerk shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.
 - (2) The City Council shall deny any application in which the proposed hours of service or the proposed rate schedule are found to be unreasonable to meet the public need.
 - (3) In making the above findings, the City Council shall take into consideration the number of taxicabs or limousines already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

(Code 1965, §§20-17--20-20; Ord. No. 1910, 4-3-73; Ord. No.

2716, 4-21-81; Code 1991, §117.32; Ord 4623, 10-05-04; Ord. 4661, 12-21-04; Ord. 5503, 6-5-12)

117.33 Liability Insurance

- (A) No Certificate of Public Convenience and Necessity shall be issued or continued in operation unless there is in full force and effect automobile liability insurance for each vehicle. The insurance shall have limits of not less than \$25,000 for personal injury to, or death of, any one person in any one accident, and liability limits of \$50,000 for personal injury to, or death of, two or more persons in any one accident, and \$25,000.00 for injury to or destruction of property or others in any one accident. The insurance shall be maintained with an insurance company authorized to do business in the state. A certificate evidencing such insurance shall be filed with the City Clerk.
- (B) Insurance required under this section must include a cancellation provision in which the insurance company is required to notify the city in writing not fewer than 30 days before cancelling, failing to renew, or making a material change to the insurance policy. If the insurance of the holder lapses or is cancelled and new insurance is not obtained, the Certificate of Public Convenience and Necessity shall be suspended until insurance coverage required by this section has been obtained. A person shall not operate a taxicab service while the certificate is suspended under this section.

(Code 1965, §20-21; Ord. No. 1910, 4-3-73; Ord. No. 3038, 10-2-84; Code 1991, §117.33; Ord. 4661, 12-21-04; Ord. 5503, 6-5-12)

117.34 Licensing Requirements

(A) *Decal required.*

No certificate shall be issued or continued in operation unless the holder thereof has secured an annual permit decal for each vehicle granting the right to engage in the taxicab business. Permit decals shall be placed on the rear window of the permitted vehicle, and be clearly visible at all times. The licensing shall be for the calendar year, with holders required to file annual renewal applications and fees at least thirty (30) days prior to the end of each year; and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicle or vehicles under his operation and control. All vehicles so licensed shall be required to show proof of the purchase of for hire tags from the State of Arkansas.

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(B) *Notification of change of address required.*
Every holder of a Certificate of Public Convenience and Necessity for taxicabs and pedicabs shall ensure the City Clerk's Office is promptly notified of any change of its business address. Failure to comply with this notification requirement is not only grounds for revocation or suspension, but also waives any expectation of notification by another applicant for a certificate pursuant to §117.32(C).

(C) *Radio dispatch required.*
Every certificate holder shall maintain a radio dispatch system in operation during the hours of operation set forth in the application for the Certificate of Public Convenience and Necessity, capable of providing reasonably prompt service in response to requests received by telephone. Two-way radios are the preferred system. Citizens Band (CB) radios shall not be used. Any holder of a Certificate of Public Convenience and Necessity at the time of passage of this ordinance shall have six (6) months from the effective date thereof to comply with this provision.

(D) *Scanners prohibited.*
The use of scanners or other similar devices to monitor other taxicab operator's calls is hereby prohibited.

(Code 1965, §20-22; Ord. No. 1910, 4-3-73; Code 1991, §117.34; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04; Ord. 5503, 6-5-12)

117.35 Transfer Of Certificate

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the City Council.

(Code 1965, §20-23; Ord. No. 1910, 4-3-73; Code 1991, §117.35; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.36 Suspension, Revocation And Cancellation of Certificate

(A) A certificate issued under the provisions of this article may be suspended by the Chief of Police, or his duly-appointed representative, if the holder thereof has (1) violated any of the provisions of this article, (2) discontinued operations for more than 20 days, (3) violated any ordinances of the city, or the laws, federal or state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

(B) The Chief of Police, or his duly-appointed representative, shall inform the City Council of all such suspensions, and may also recommend the revocation of a certificate. Upon such recommendation, the City Council shall set a time

and place for a revocation hearing. The holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

(C) If any holder of a Certificate goes out of business, fails to operate under the Certificate for one calendar year, fails to have any vehicle inspected to operate under the Certificate for one calendar year or fails to have any driver or operator properly permitted under the Certificate for one calendar year, the holder's Certificate of Public Convenience and Necessity shall be deemed abandoned and shall be denoted as cancelled and invalid by the City Clerk.

(Code 1965, §20-24; Ord. No. 1910, 4-3-73; Ord. No. 2716, 4-21-81; Code 1991, §117.36; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04; Ord. 5503, 6-5-12)

117.37 Taxicab Driver's Permit Required; Issuance Procedure

(A) No person shall operate a taxicab for hire upon the streets of the city and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this subchapter.

(B) *Application required.*

(1) An application for a taxicab driver's permit shall be filed with the Chief of Police, or his duly-appointed representative, on forms provided by the city, and such application shall be verified under oath and shall contain the following information:

(a) The names and addresses of four residents of county, who have known the applicant for a period of one year and who will vouch for the sobriety, honesty, and general good character of the applicant.

(b) A concise history of his employment; and,

(c) satisfactory proof that the applicant is twenty one (21) years of age or over, as required by Arkansas Code Annotated § 14-57-404.

(C) Before any application is finally passed upon by the Chief of Police, or his duly-appointed representative, the applicant shall be required to present a current Arkansas Drivers License, with the appropriate endorsement allowing the transport of passengers for hire.

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- (D) The police department shall conduct a local background check of each applicant for a taxicab driver's permit, and a report of such background check and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Chief of Police, or his duly-appointed representative.
- (E) The Chief of Police, or his duly-appointed representative, shall, upon consideration of the application and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the City Council to offer evidence why his application should be reconsidered.
- (F) *Form and term of permit.*
- (1) Upon approval of an application for a taxicab driver's permit, the Chief of Police, or his duly-appointed representative, shall issue a permit to the applicant which shall bear the name, address, age, signature and photograph of the applicant.
- (2) Such permit shall be in effect for the remainder of the calendar year. A renewal permit for each calendar year thereafter shall be issued, unless the permit for the preceding year has been revoked.

Each certificate holder shall maintain copies of the drivers permit application and other supporting information so long as the driver is employed by the certificate holder. Each certificate holder shall promptly inform the Chief of Police, or his duly-appointed representative, upon the termination or resignation of a driver.

(Code 1965, §§20-25--20-31; Ord. No. 1910, 4-3-73; Code 1991, §117.37; Ord. 4632, 10-05-04; Ord. 4661, 12-21-04; Ord. 4796, 11-15-05)

117.38 Display Of Permit

Every permittee under this article shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab, and the permit shall be illuminated when necessary for viewing.

(Code 1965, §20-32; Ord. No. 1910, 4-3-73; Code 1991, §117.38; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.39 Suspension, Revocation Of Permit

The Chief of Police, or his duly-appointed

representative, is hereby given the authority to suspend any driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article, such suspension to last for a period of not more than ten days. The Chief of Police, or his duly-appointed representative, is also given authority to revoke any driver's permit for failure to comply with the provisions of this article. However, a permit may not be suspended or revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf.

(Code 1965, §20-33; Ord. No. 1910, 4-3-73; Code 1991, §117.39; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.40 Failure To Comply With Applicable Law

Every driver licensed under this article shall comply with all city, state, and federal laws. Failure to do so will justify the Chief of Police, or his duly-appointed representative, in instituting proceedings for revocation of the permit.

(Code 1965, §20-33.1; Ord. No. 1910, 4-3-73; Code 1991, §117.40; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.41 Vehicles To Be Kept Safe And Sanitary

Every vehicle operating under this article shall be subject to a thorough examination and inspection by the Fleet Division of the City, to include verification of the accuracy of each fare meter. The cost of said inspection shall be at a rate set by the Fleet Superintendent and shall be calculated at the hourly charge schedule utilized by the division. In addition, certificate holders shall pay an annual one hundred (100) dollar fee per vehicle, to defray the City's administrative costs. The license fee shall be prorated depending upon when the taxi is first operated during its first calendar year of service. Taxis placed in service after April 1 shall pay \$75.00; after July 1 shall pay \$50.00 and after October 1 shall pay \$25.00. The vehicle must comply with such reasonable rules and regulations as may be prescribed by the Chief of Police, or his duly-appointed representative. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the Chief of Police, or his duly-appointed representative, shall determine necessary. The vehicle, upon passage of an inspection shall be affixed with a decal that certifies the vehicle as safe to operate in the City of Fayetteville. If a properly inspected, licensed taxicab with decal is taken out of service and replaced with another taxicab, the replacement taxicab must be inspected by the Fleet Superintendent at the established rate as set out above.

However, the replacement taxicab shall then receive a decal without the owner having to pay the \$100.00 administrative fee.

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(Code 1965, §20-33.2; Ord. No. 1910, 4-3-73; Ord. No. 1916, 4-17-73; Code 1991, §117.41; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04; Ord. 4929, 9-19-06; Ord. 5503, 6-5-12)

117.42 Designation Of Vehicle As Taxicab By Insignia Or The Like

No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the Chief of Police, or his duly-appointed representative, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this article, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further, that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia is used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license of or certificate covering such taxicab or taxicabs shall be suspended or revoked. The vehicle operator shall also be required to display the decal affirming the safe condition of the vehicle. In addition, every taxicab shall have affixed to its roof an illuminated sign bearing either the word "taxicab" or "taxi."

(Code 1965, §20-33.3; Ord. No. 1910, 4-3-73; Ord. No. 2527, 5-1-79; Code 1991, §117.42; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.43 Acceptance, Discharge Of Passengers

(A) Duties of Drivers.

- (1) *Restriction on number of passengers.* No drivers shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of the taxicab as defined by the vehicle manufacturer. Every taxicab, as required by state law, shall carry a child safety seat and the driver shall know how to properly install and safely use such device. A child under six years of age, properly restrained by a child safety seat shall not be counted as an extra passenger when accompanied by an adult.
- (2) *Refusal to carry orderly passengers prohibited.* No driver shall refuse or neglect to convey any orderly person or persons, or any person or persons accompanied by a seeing eye dog, or a seeing eye dog upon request, unless unable or forbidden by the provisions of this article to do so; provided, it shall not be unlawful for a driver to refuse or neglect to convey any passenger who has previously refused or

failed to pay a legal fare as provided in this article.

- (3) *Prohibitions of drivers.* It shall be a violation of this article for any driver of a taxicab to solicit business for any hotel or motel, or to attempt to divert patronage from one hotel or motel to another. Neither shall such driver engage in selling intoxicating liquors or use his vehicle for any illegal purpose.
 - (4) *Passengers without fare prohibited.* No driver shall permit any person to be carried in a taxicab as a passenger without payment of the legal fare mentioned in this article while a fare-paying passenger is also being carried in the cab.
- (B) *"Shared Ride" vs. "Exclusive Ride."* All persons engaged in the taxicab business in the city, operating under the provisions of this article, shall render an overall service to the public desiring to use taxicabs. Such service may be a "shared ride" taxicab system where the consent of passengers is not needed to pick up or discharge additional passengers, nor to choose the route taken by the vehicle; or, such service may be an "exclusive ride" taxicab system providing door-to-door service in which the party hiring the vehicle has exclusive use of the vehicle and may direct the vehicle's route and destination. Under the shared ride system, a maximum of three pickups at different locations shall be permitted; after which all parties must reach their destination before additional pickups can be made.

Response to calls. Holders of Certificates of Public Convenience and Necessity shall answer all calls received by them during the hours of operation specified on the holder's application for services inside the corporate limits of the city as soon as they can do so; and, if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason for the delay. Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available cabs shall be deemed in violation of this article, except on those occasions when the Chief of Police, or his duly-appointed representative, declares the streets of the City to be unsafe due to inclement weather. Any vehicle operated under the provisions of this article shall be equipped with snow tires or chains when required by weather conditions.

(Code 1965, §§20-33.7, 20-33.8; Ord. No. 1910, 4-3-73; Ord. No. 2302, 1-4-77; Ord. No. 2601, 2-19-80; Ord. No. 2716, 4-21-

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81; Code 1991, §117.43; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.44 Signed Receipt To Passenger Upon Request

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a signed receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the taxicab company, the number of the taxicab, amount of charges, and date and time of transaction.

(Code 1965, §20-33.5; Ord. No. 1910, 4-3-73; Code 1991, §117.44; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.45 Refusal Of Passenger To Pay Fare

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

(Code 1965, §20-33.6; Ord. No. 1910, 4-3-73; Code 1991, §117.45; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.46 Daily Manifest To Be Kept

Every company shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin and destination of each trip and amount of fare. The forms for each manifest shall be of a character approved by the chief of police.

(Code 1965, §20-33.9; Ord. No. 1910, 4-3-73; Ord. No. 2527, 5-1-79; Code 1991, §117.46; Ord. 4623; 10-05-04; Ord. 4661, 12-21-04)

117.47 Advertising

(A) Subject to the restrictions provided herein, it shall be lawful for any person owning or operating a taxicab, bus, van, or motor vehicle for hire to permit advertising matter to be affixed or installed in or on such taxicab, bus, van, or motor vehicle for hire. The advertising shall not in any way obstruct the vision of the driver of the vehicle. Advertising on a taxicab shall be limited to one sign located on the rear of the vehicle which sign shall not exceed nine square feet in area. Advertising on a bus or van shall be limited to one sign on each side of the vehicle and one sign on the rear of the vehicle, none of which signs shall exceed 12 square feet in area.

(B) It shall be unlawful for any person to display on any taxicab, bus, van, or motor vehicle for hire any advertisement of tobacco products, alcoholic beverages, x-rated motion pictures, or any advertisement that is false, misleading, or

deceptive.

(Code 1965, §20-33.10; Ord. No. 1910, 4-3-73; Ord. No. 2750, 8-18-81; Code 1991, §117.47; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.48 Enforcement

The police department possesses the authority under existing law to issue citations as appropriate.

(Code 1965, §20-33.11; Ord. No. 1910, 4-3-73; Code 1991, §117.48; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.49 Meter Rates Established

(A) It shall be unlawful for any person, owning, operating, driving, or in charge of any taxicab for hire in the city to drive or operate such taxicab, or to use or advertise in connection therewith the word "taxi," "taxicab," or "cab" or in soliciting trade from the public to represent or exhibit such vehicle as a "taxi," "taxicab," or "cab" unless such vehicle is equipped with an approved fare meter according to the provisions of this chapter. An approved fare meter is a meter that registers accumulating fare charge with each amount being visible to passenger(s).

(B) Taxi services provided to patrons utilizing City issued taxi coupons shall be based on a zone rate system with the initial meter charge, charge per mile and additional person charge incorporated into a flat rate per zone. The Zone Rate shall be used exclusively by all taxicabs excluding waiting time except as provided in subsection (D) below. The ceiling rates shall apply to all taxicabs operating in the city. The initial zone rates are set out as follows:

Ceiling rate, no more than a rate of:

(a) Travel within One Zone \$8.00

(b) Travel incorporating Two Zones \$12.00

(c) No charge for additional person shall be charged.

(d) Waiting time ceiling rate, not to exceed \$10.00 per hour.

(C) Taxi companies shall utilize the zone of the trip origination and zone of the trip destination for purposes of valuation for the trip.

(D) A taxicab operator may make special contractual arrangements in advance with persons at fares either higher or lower than those set forth by this article, but such contract must be in writing and a copy thereof filed with the City Clerk.

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city of Fayetteville.

(Ord. 4751, 9-06-05; Ord 4777, 10-04-05)

117.50-117.59 Reserved

**ARTICLE V
LIMOUSINE SERVICE**

117.60 Definition

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Limousine service. Transportation service over the streets of the city, in a type of automobile commonly referred to as a limousine. This definition expressly excludes taxicabs.

(Code 1965, §20-34; Ord. No. 1080, 4-4-55; Ord. No. 2099, 4-15-75; Code 1991, §117.60; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.61 License Required; Fee

It is hereby declared to be a privilege for any person to furnish limousine service, and no person shall engage in such undertaking without first paying to the city an annual license fee of \$100.00 for each limousine used on the streets of the city, for the privilege of engaging in such business, and obtaining a Certificate of Public Convenience and Necessity. The fee shall be paid on or before January 1st of each year. The license fee shall be prorated depending upon when the limousine is first operated during its first calendar year of service. Limousines placed in service after April 1 shall pay \$75.00; after July 1 shall pay \$50.00 and after October 1 shall pay \$25.00.

(Code 1965, §20-35; Ord. No. 1080, 4-4-55; Ord. No. 2099, 4-15-75; Code 1991, §117.61; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04; Ord. 5503, 6-5-12)

117.62 Vehicles To Be Kept Safe And Sanitary

Every vehicle operating under this article shall be subject to a thorough examination and inspection by the Fleet Division of the City. The cost of said inspection shall be at a rate set by the Fleet Superintendent and shall be calculated at the hourly charge schedule utilized by the division. The vehicle must comply with such reasonable rules and regulations as may be prescribed by the Chief of Police, or his duly-appointed representative. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the Chief of Police, or his duly-appointed representative, shall determine necessary. The vehicle, upon passage of an inspection shall be affixed with a decal that certifies the vehicle as safe to operate in the

(Code 1965, §20-36; Ord. No. 1080, 4-4-55; Ord. No. 2099, 4-15-75; Ord. No. 2660, 9-18-80; Ord. No. 3037, 10-2-84; Ord. No. 3234, 12-16-86; Ord. No. 4003, §1, 10-1-96; Code 1991, §117.62; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.63 Liability Insurance

- (A) No person shall furnish limousine service unless and until such person has filed with the City Clerk a copy of a motor vehicle liability insurance policy issued by an insurance company authorized to do business in the state, providing limits of not less than \$25,000.00 for personal injury to, or death of, any one person in any one accident, liability limits of \$50,000.00 for personal injury to, or death of, two or more persons in any one accident, and \$25,000.00 for injury to or destruction of property of others in any one accident.
- (B) Insurance required under this section must include a cancellation provision in which the insurance company is required to notify the city in writing not fewer than 30 days before cancelling, failing to renew, or making a material change to the insurance policy. If the insurance of the holder lapses or is cancelled and new insurance is not obtained, the Certificate of Public Convenience and Necessity shall be suspended until insurance coverage required by this section has been obtained. A person shall not operate a limousine service while the certificate is suspended under this section.

(Code 1965, §20-38; Ord. No. 1080, 4-4-55; Ord. No. 2099, 4-15-75; Ord. No. 3037, 10-2-84; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04; Ord. 5503, 6-5-12)

117.64 Licensing Requirements

No Certificate of Public Convenience and Necessity shall be issued or continued in operation unless the holder thereof has secured an annual permit decal for each vehicle granting the right to engage in the limousine business. Permit decals shall be placed on the rear window of the permitted vehicle, and be clearly visible at all times. The licensing shall be for the calendar year, with holders required to file annual renewal applications and fees at least thirty (30) days prior to the end of each year; and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicle or vehicles under his operation and control. All vehicles so licensed shall be required to show proof of the purchase of for hire tags from the State of Arkansas.

117.65 Suspension, Revocation and Cancellation of Certificate

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A limousine service's Certificate of Public Convenience and Necessity may be suspended, revoked or cancelled for the same reasons and by the same procedures set forth in §117.36.

(Ord. 5503, 6-5-12)

117.66-117.74 Reserved

**ARTICLE VI
RENT-A-CAR SERVICE**

117.75 Definition

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Rent-a-car service. The furnishing of rent-a-car service in the city whereby an automobile is rented for the exclusive use of a person for an indefinite period of time at a rate established by both the mileage traveled and length of time the automobile is so rented.

(Code 1965, §20-50; Ord. No. 1261, 4-10-61; Code 1991, §117.75)

117.76 License Required; Tax

It is hereby declared to be a privilege for any person to furnish rent-a-car service in the city, and no person shall engage in such undertaking without first paying to the city a license tax of \$200.00 per year. Such tax shall be paid on or before January 1st of each year.

(Code 1965, §20-51; Ord. No. 1261, 4-10-61; Ord. No. 2842, 8-3-82; Code 1991, §117.76)

117.77 Insurance Or Cash Deposit Required

- (A) No person shall furnish rent-a-car service unless and until such person has furnished and filed with the City Accounting Department, an insurance policy written by an insurance company authorized to do business in the state, which policy shall bind the insurance company writing same to indemnify, up to the amount of \$20,000.00, any person suffering any personal injury or property damage from the negligent or otherwise faulty operation of such rent-a-car service.
- (B) In lieu of furnishing the above insurance, a person operating a rent-a-car service may give to the city a statement or other satisfactory assurance that there has been deposited in any city bank the sum of \$20,000.00 in cash, which shall be available at all times for the payment of any damage lawfully assessed against any such person, from the

operation of such rent-a-car service.

(Code 1965, §20-52; Ord. No. 1261, 4-10-61; Code 1991, §117.77)

117.78-117.79 Reserved

**ARTICLE VII
NONMOTORIZED PASSENGER
TRANSPORT VEHICLES***

117.80 Definitions

For the purpose of this article, the following words and terms have the meaning ascribed thereto:

Camel/Dromedary. Either of two large ruminant mammals used as a draft or saddle animal in desert regions of Africa or Asia.

Driver. An individual who operates a nonmotorized passenger transport vehicle.

Handler. An individual who leads and controls a pony, camel, or dromedary working as part of a nonmotorized passenger transport service.

Holder. A person who is granted Certificate of Public Convenience and Necessity under this article to provide nonmotorized passenger transport service in the city.

Horse Any member of the family "Equidae" perissodactyl ungulate mammals containing a single genus equus, including but not limited to horses, asses, jacks, jennies, hennies, mules, donkeys, burros, ponies, and zebras.

Nonmotorized passenger transport vehicle. A horse-drawn carriage or similar vehicle pulled by horses or other livestock.

Nonmotorized passenger transport service. The business of offering or providing transportation of persons for hire, either in a nonmotorized transport vehicle or on horseback, camelback or dromedaryback, when:

- (1) A driver of handler is furnished as part of the service; and
- (2) The service is offered only in accordance with a pre-approved route.

Nonmotorized passenger transport vehicle drivers permit. A permit issued to an individual by the Chief of Police to operate a nonmotorized passenger transport

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vehicle or hire in the city.

Operate. To drive or be in physical control of a nonmotorized passenger transport vehicle.

Permittee. An individual who has been issued a nonmotorized passenger transport vehicle driver's permit under this article.

Person. An individual, corporation, governmental subdivision or an agency, trust, partnership, or two or more persons having a common economic interest.

Preapproved route. Nonmotorized passenger transport service operating on a predetermined schedule with fixed pickup and destination points located on a route approved by and on file with the traffic superintendent.

(Ord. No. 3931, §2, 10-3-95; Ord. No. 4396, §1, Ex. A, 5-21-02; Code 1991, §117.80; Ord. 4939, 10-17-06; Ord. 5346, 8-17-10)

117.81 Certificate Of Public Convenience And Necessity

(A) No person shall operate a nonmotorized passenger transport service within the city without first obtaining a current Certificate of Public Convenience and Necessity from the Public Transit Board established by § 33.320 of the Code of Fayetteville.

(B) To obtain a Certificate of Public Convenience and Necessity for a nonmotorized passenger transport service, a person who owns, controls or operates a proposed nonmotorized passenger transport service, must submit a proposal which shall be verified and contain the following information:

- (1) A statement of the type of nonmotorized passenger transport service for which application is made;
- (2) The form of business of the applicant; if the business is a corporation or association, a copy of the documents establishing the business, and the name and address of each person with a direct interest in the business;
- (3) The name, address, and verified signature of the applicant;
- (4) A description of any past business experience of the applicant, particularly in providing passenger transportation service;
- (5) The number and description of vehicles the applicant proposes to use in the operation of the service including year, make, model,

manufacturer's rated seating capacity, and state license registration number for each vehicle;

- (6) The number of horses, camels, or dromedaries the applicant proposes to use in the operation of the passenger transport service with a description, including age, color and breed or photograph and a state certificate of veterinarian inspection of each horse, camel or dromedary;
 - (7) A description of the proposed service, including routes, rates or fares to be charged, and schedules, where applicable;
 - (8) Documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this chapter.
 - (9) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and,
 - (10) Such additional information as may be determined to be necessary to assist or promote the implementation or enforcement of this ordinance, or the protection of the public safety.
- (C) In deciding whether to issue or deny an application for a Certificate of Public Convenience and Necessity to operate a nonmotorized passenger transport service, the Public Transit Board shall consider, but not be limited to, the following:
- (1) Whether the public convenience and necessity requires the proposed service;
 - (2) Whether the applicant has complied with all requirements of this ordinance for providing the service applied for;
 - (3) The current safety record of the applicant, and the previous safety record, if the applicant has operated a nonmotorized passenger transport service in the past.
 - (4) Number and description of all nonmotorized passenger transport vehicles to be used, where applicable;
 - (5) Number and description of all horses, camels and dromedaries to be used;
 - (6) If nonmotorized passenger transport vehicles are employed, the number of passengers that may be safely transported in each vehicle

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based on the size of the vehicle and the type of horse pulling it;

- (7) Customers to be served;
 - (8) Places for loading or unloading passengers;
 - (9) Hours of operation;
 - (10) Schedules and routes to be followed;
 - (11) Rates to be charged;
 - (12) The use of special safety equipment.
 - (13) The use of the special sanitary devices and special care procedures for horses, camels and dromedaries; and
 - (14) Special conditions or limitations.
- (D) The Public Transit Board shall issue a Certificate of Public Convenience and Necessity to the applicant, if it is determined that:
- (1) The applicant has complied with all requirements for issuance of the certificate;
 - (2) That public convenience and necessity require the operation of the proposed service; and
 - (3) The applicant has not made a false statement as to a material matter in an application for a certificate.
- (E) If the Public Transit Board determines that the requirements set forth above have not been met, the Public Transit Board shall deny the certificate.

(Ord. No. 3931, §4, 10-3-95; Ord. No. 4396, §1, Ex. A, 5-21-02; Code 1991, §117.81; Ord. 4939, 10-17-06)

117.82 Route Approval

- (A) All routes shall be approved by the city's traffic superintendent.
- (B) Holders shall submit to the city's traffic superintendent all requests for temporary changes in authorized routes, hours of operation, or for participation in special events such as festivals, parades or weddings, not less than three days before the effective date of the change or event.

(Ord. No. 3931, §5, 10-3-95; Ord. No. 4396, §1, Ex. A, 5-21-02)

117.83 Nonmotorized Passenger Transport Vehicle Drivers Permit

- (A) No person shall operate a nonmotorized passenger transport vehicle for hire upon the streets of the city, and no person who owns or controls a nonmotorized passenger transport vehicle shall permit it to be so operated, and no nonmotorized passenger transport vehicle licensed by the city shall be so operated at any time for hire, unless the driver of said vehicle shall have first obtained and shall have then in force a nonmotorized passenger transport vehicle drivers permit issued under the provisions of this article.

(B) Drivers Permit Required.

- (1) An application for a nonmotorized passenger transport vehicle drivers permit shall be filed with the chief of police on forms provided by the city and such application shall be verified under oath and shall contain the following information:
 - (a) The names and addresses of four (4) residents of the county, who have known the applicant for a period of one year and who will vouch for the sobriety, honesty, and general good character of the applicant; and
 - (b) A concise history of his/her employment;
- (C) The police department shall conduct an investigation of each applicant for a nonmotorized passenger transport vehicle driver's permit, and a report of such investigation with a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police.
- (D) The chief of police shall, upon consideration of the application and the reports required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the mayor to offer evidence why his/her application should be reconsidered.

(E) *Form and term of permit.*

- (1) Upon approval of an application for a nonmotorized passenger transport vehicle driver's permit, the chief of police shall issue a permit to the applicant, which shall bear the name, address, age, signature, and photograph of the applicant.
- (2) Such permit shall be in effect for the remainder of the year. A permit for every calendar year thereafter shall be issued upon the payment of

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\$2.00 unless the permit for the preceding year has been revoked.

- (F) When a driver's permit is issued, the application and supporting information shall be returned to the holder of the Certificate of Public Convenience and Necessity to be held by the certificate holder so long as the driver is employed by the certificate holder.

(Ord. No. 3931, §5, 10-3-95; Ord. No. 4396, §1, Ex. A, 5-21-02; Code 1991, §117.83)

117.84 Display Of Permit

Every permittee under this article shall post his or her driver's permit in such a place as to be in full view of all passengers while the driver is operating a nonmotorized passenger transport vehicle.

(Ord. No. 3931, §6, 10-3-95; Ord. No. 4396, §1, Ex. A, 5-21-02; Code 1991, §117.84)

117.85 Insurance Requirements

- (A) A holder shall procure and keep in full force and effect commercial general liability insurance written by an insurance company approved by the State of Arkansas and acceptable to the city and issued in the standard form approved by the State Board of Insurance. All provisions of the policy must be acceptable to the city. The insured provisions of the policy must name the city as additional insured and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a nonmotorized passenger transport service by the holder.
- (B) The commercial general liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than \$1,000,000.00 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products, completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit \$5,000.00 per person. Aggregate limits of liability are prohibited.
- (C) Insurance required under this section must include:
- (1) A cancellation provision in which the insurance company is required to notify the city in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy; and,
 - (2) A provision to cover all horses, camels,

dromedaries and vehicles, whether owned or not by the holder if operated under the holder's Certificate of Public Convenience and Necessity.

- (D) No insurance required by this section may be obtained from an assigned risk pool.
- (E) A Certificate of Public Convenience and Necessity will not be granted and renewed unless the applicant or holder furnishes the city with such proof of insurance as the city considers necessary to determine whether the applicant or holder is adequately insured under this section.
- (F) If the insurance of the holder lapses or is canceled and new insurance is not obtained, the Certificate of Public Convenience and Necessity shall be suspended until insurance coverage required by this section has been obtained. A person shall not operate a nonmotorized passenger transport service while the certificate is suspended under this section.

- (G) The holder shall provide adequate employer's liability insurance for the employees as provided by law.

(Ord. No. 3931, §7, 10-3-95; Ord. No. 4396, §1, Ex. A, 5-21-02; Code 1991, §117.85; Ord. 4939, 10-17-06)

117.86 Conduct Of Drivers And Handlers

Drivers and handlers shall at all times:

- (A) Act in a reasonable, prudent, and courteous manner;
- (B) Maintain a sanitary and well-groomed appearance;
- (C) Not inhale or consume any alcoholic beverage, drug, or other substance that could adversely affect his or her ability to operate a nonmotorized passenger transport vehicle, or handle a horse.
- (D) Not permit a person other than another employee of the nonmotorized passenger transport service to operate a vehicle or handle a horse under his or her control.
- (E) Not permit any person on the back of a horse, camel or dromedary while it is pulling a nonmotorized passenger transport vehicle;
- (F) Not leave a horse, camel or dromedary untethered and unattended except when confined to a stable or other enclosure.
- (G) Pick up all horse, camel and dromedary droppings immediately with appropriate equipment

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(Ord. No. 3931, §8, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02;
Code 1991, §117.86; Ord. 4939, 10-17-06)

**117.87 Horses, Camels, Dromedaries,
Vehicles and Equipment**

(A) Horses, Camels, Dromedaries.

- (1) Before any horse, camel or dromedary may be used in a nonmotorized passenger transport service, the holder must furnish the animal services director with:

(a) A State Certificate of Veterinarian Inspection with a photograph or drawing of the horse, camel or dromedary showing identifying markings of the horse, camel or dromedary and showing that the horse, camel or dromedary has been examined at least once within the preceding three months by a veterinarian licensed by the State of Arkansas who specializes in equine medicine (for horses) and in camel medicine for camels and dromedaries; and

(b) An equine vaccination certificate from a licensed veterinarian showing proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; further, proof of a negative Coggins Test must be submitted annually; and

(c) A certificate from a licensed veterinarian showing that the camel or dromedary has had all necessary and appropriate vaccinations.

- (2) A horse, camel or dromedary used in a nonmotorized passenger transport service must:

(a) Be appropriately shod to work on paved streets; if a horse, loses a shoe while working, an "easy" type boot may be used to finish the scheduled work day;

(b) Not have any open wound, oozing sore, cut below skin level or bleeding wound;

(c) Not have evidence of lameness, such as, but not limited to, head bobbing or irregular rhythm;

(d) Be offered not less than five gallons of drinking water at least every two hours;

(e) Have at least a 10 minute rest period after every 50 minutes worked;

(f) Not work longer than six hours in a 24-hour period with a minimum of 12 hours of rest;

(g) Have the appropriate bridle, bit, halter, or harness equipment properly fitted and in good repair with no deficiencies that could reasonable be deemed a safety hazard;

(h) Be properly cleaned with no offensive odors or caked dirt or mud;

(i) Not work with the outside temperature exceeds 90 degrees Fahrenheit, or the thermal heat index exceeds 110; and

(j) Be examined at least once every three months by a veterinarian licensed by the State of Arkansas who specializes in equine or camel medicine and receive a State Certificate of Veterinarian Inspection, which must be submitted to the animal services director.

- (3) The animal services director may require a holder, driver, or handler to remove from service any pony, horse, camel or dromedary that appears to be ill, overtired, undernourished, overloaded, injured or lame, or whole health or life, in the opinion of a veterinarian or qualified animal service officer is in imminent danger. To reinstate a horse, camel or dromedary removed from service the animal must be re-examined and a new State Certificate of Veterinarian Inspection must be submitted to the animal control officer.

- (4) For purposes of this section, a horse, camel or dromedary is considered to be working any time it is on the public street or sidewalk, or other public right-of-way, during any hour of operation of the nonmotorized passenger transport service that is authorized by and on file with the traffic superintendent.

(B) Vehicle inspection and maintenance. Each vehicle shall comply with all the safety requirements imposed by all state, federal or local laws applicable to the vehicle involved.

(C) Required equipment.

- (1) *Nonmotorized passenger transport vehicles.*

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- (a) A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment for each nonmotorized passenger transport vehicle:
- (i) Headlights;
 - (ii) Tail lights;
 - (iii) Flashing lights;
 - (iv) Approved braking system;
 - (v) Rubber on all wheels;
 - (vi) A "slow moving vehicle" sign attached to the rear of the vehicle;
 - (vii) Evidence of insurance;
 - (viii) A copy of this article.

- (2) *Helmets.* Unless the operator, holder, or handler of a pony, horse, camel or dromedary ride keeps all of its mounted ponies, horses, camels or dromedaries adequately and safely tethered to a ring apparatus, the operator, holder or handler shall ensure that every rider wears an equestrian or bicycle-type safety helmet while riding on horseback, camelback or dromedaryback.

(Ord. No. 3931, §9, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.87; Ord. 4497 06-17-03; Ord. 4939, 10-17-06)

117.88 Transfer Of Certificate

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the Public Transit Board.

(Ord. No. 3931, §10, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.88)

117.89 License Fees

No certificate shall be issued or continued in operation unless the holder thereof has paid annual license fee of \$250.00 for the right to operate a nonmotorized passenger transport service under a Certificate of Public Convenience and Necessity. The license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder.

(Ord. No. 3931, §11, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.89)

117.90 Suspension, Revocation Of Certificate

- (A) A certificate issued under the provisions of this article may be revoked or suspended by the Public Transit Board if the holder thereof has:
- (1) Violated any of the provisions of this article;
 - (2) Violated any ordinances of the city, or the laws, federal or state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.
- (B) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

(Ord. No. 3931, §12, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02)

117.91 A.D.A. Compliance

Holder shall comply with all applicable provisions of the Americans with Disabilities Act.

(Ord. No. 3931, §13, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.91)

117.92 Authority To Summon Veterinarian

The police department is hereby authorized to immediately summon the City Veterinarian (or other licensed veterinarian as available) if at any time an officer reasonably believes a horse, pony, camel or dromedary is ill, overtired, undernourished, overloaded, injured, or lame or whose health or life may otherwise be in imminent danger.

(Ord. No. 3931, §14, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.92; Ord. 4939, 10-17-06)

ARTICLE VIII LIGHTS OF THE OZARKS

117.93 Lights Of The Ozarks

- (A) *Establishment, location and parking restrictions.* The Lights of the Ozarks celebration is hereby established in the city as an annual celebration beginning after the end of Farmers' Market (around Thanksgiving) and running through January 1 of the next year. This event shall be located on those interior parking spaces (adjoining the old post office) of the downtown square and on the sidewalks adjoining those parking spaces as well as those portions of the Town Center Plaza needed for this event's success. The block of East Avenue between Mountain Street and Center Street may be restricted to horse-drawn carriages, pony rides, or

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other event vendors. No vendor shall obstruct pedestrian traffic on public sidewalks nor shall more parking spaces be utilized for vendors than absolutely necessary. The Fayetteville Advertising and Promotion Commission and Fayetteville Town Center staff are empowered to manage and administer all vendors operating on the Fayetteville Square during Lights of the Ozarks.

- (B) *Hours of operations.* Vendors for the Lights of the Ozarks shall be managed by the Fayetteville Town Center staff such that active operation of pony rides, carriage rides, etc. shall not commence, nor shall East Street be impeded from normal traffic prior to 6:00 P.M. nor obstructed later than midnight except for New Years when such use will be extended one hour until 1:00 a.m. on New Year's Day.
- (C) *Sanitation.* At the close of each Lights of the Ozarks business evening, each vendor must ensure that the area in which the vendor was located or operating is completely clean, sanitary and free of trash, debris, manure, etc. Failure to properly clean up shall be grounds to revoke that vendor's license or permission to operate during Lights of the Ozarks.
- (D) *Vendors and licenses.* Any vendors operating within the area of the Lights of the Ozarks shall have all proper, necessary and valid licenses applicable to the vendor's business and keep all such licenses available for inspection and in good standing while operating during Lights of the Ozarks. Any event or other reasonable fee charged by the Town Center Staff or the City of Fayetteville to defray costs to manage Lights of the Ozarks must be paid or the vendor shall be prohibited from operating in this event.
- (E) *Sidewalk vendors.* Sidewalk vendors must comply with §178.03 of the Unified Development Code and obtain proper permits from the Zoning and Development Administrator as well as the Fayetteville Town Center staff {which shall constitute compliance with §178.03(E)(2)}.

(Ord. 5286, 11-17-09)

117.94-117.97 Reserved

117.98 Prohibited Activity

No person or company shall provide or offer to provide motor vehicle rides to passengers if such service resembles a taxicab or limousine service unless the person and company have fully complied with Article IV **Taxicabs** or Article V **Limousine Service**. It shall not be a defense under this section if rides are offered to

passengers for tips or gratuities only.

(Ord. No. 4623, 10-05-04)

117.99 Penalty

- (A) Violation of any provision of this chapter for which another penalty is not already otherwise provided, shall subject the person in violation to the penalty provisions of §10.99.
- (B) Any person or company violating any of the provisions of Article IV § 117.30 through § 117.50 and Article V § 117.60 through § 117.63 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$250.00. Each occurrence and each day's continuance shall be considered a separate offense. In addition, the city shall have a right to revoke the permit or license required by § 117.37 and § 117.61 for any person or company convicted of violating Article IV or Article V.
- (C) Any person violating the provisions of § 117.98 **Prohibited Activity** shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00. A second and any subsequent convictions of § 117.98 within a one year period by the same person shall result in fines not to exceed \$1,000.00 per occurrence.
- (D) Any person who shall violate any of the provisions of §117.75 through §117.77 shall, upon conviction, be punishable by a fine of not less than \$5.00 nor more than \$250.00.

(Code 1965, §20-53; Ord. No. 1261, 4-10-61; Code 1991, §117.99; Ord. No. 4623, 10-05-04)

ARTICLE IX PEDICABS

117.100 Definitions

For the purpose of this article, the following words and terms have the meaning ascribed thereto:

Driver. An individual who operates a pedicab.

Holder. A person who is granted a Certificate of Public Convenience and Necessity under this article to provide pedicab service in the city.

Motorized electric powered tricycle. A tricycle that is equipped with an electric assist motor.

Pedicab. A tricycle or a motorized electric powered tricycle, not wider than fifty-four (54) inches at its widest point, which transports or is held out to the public as

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available to transport passengers for hire, or for a gratuity, and is specifically designed and manufactured for that purpose.

Pedicab service. The business of offering or providing transportation of persons for hire, or for a gratuity, in a pedicab, when:

- (1) A driver is furnished as part of the service; and
- (2) The service is offered only in accordance with a pre-approved route or within a zone of operation by right.

Pedicab driver's permit. A permit issued to an individual by the Chief of Police to operate a pedicab for hire in the city.

Operate. To drive or be in actual physical control of a pedicab.

Permittee. An individual who has been issued a pedicab driver's permit under this article.

Person. An individual, corporation, governmental subdivision or an agency, trust, partnership, or two or more persons having a common economic interest.

Preapproved route. Pedicab service operating on a predetermined schedule with fixed pickup and destination points located on a route approved by and on file with the traffic superintendent.

Tricycle. A device that is propelled by human power on which a person may ride and that has three

- (3) Wheels in contact with the ground, any of which is more than sixteen (16) inches in diameter.

117.101 Certificate Of Public Convenience And Necessity Required; Issuance Procedure

- (A) *Certificate needed for operation.* No person shall operate or permit a pedicab owned, leased or controlled by the person to be operated as a vehicle for hire upon the streets or trails of the city without having first obtained a Certificate of Public Convenience and Necessity from the Fayetteville City Council.
- (B) *Information required for Certificate.* An application for a certificate shall be filed with the Police Department upon forms provided by the city, and said application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant, including the name and address of all officers and stockholders of the company, if incorporated, and the name, address and telephone number of the person to whom complaints should be directed;
- (2) The financial status of the applicant, including the financial status of the officers and stockholders of the company, if incorporated, including the amount of all unpaid judgments against the applicant (officers and stockholders of the company, if incorporated), and the nature of the transaction or acts giving rise to said judgments;
- (3) The experience of the applicant including all officers and stockholders of the company, if incorporated, in the transportation of passengers, especially as related to pedicabs;
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;
- (5) The number of pedicabs to be available for operation or controlled by the applicant and the location of proposed storage areas for the pedicabs when not in active service. The applicant shall furnish a minimum and maximum number of requested vehicles to be permitted;
- (6) A complete description of each model or type of pedicab sought to be used to include length, width, brakes, any motor assist, year, make, model, rated capacity, lighting and safety features;
- (7) The hours between which the applicant proposes to provide pedicab service to the general public, and the dates, if any, on which the applicant does not propose to provide pedicab service to the general public, and;
- (8) The rate schedule or gratuity notice which the applicant proposes to use to charge passengers or receive gratuities.
- (9) Any proposed predetermined route with scheduled and fixed pick-up and destination points and proposed fare for such pedicab service;
- (10) Documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this chapter;
- (11) Such additional information as the applicant

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desires to include to aid in the determination of whether the requested operating authority should be granted; and,

- (12) Such additional information as may be determined to be necessary to assist or promote the implementation or enforcement of this article, or the protection of the public safety.

(C) *Public Hearing for Certificate.* When the Police Department notifies the City Clerk that a proper and adequate application has been filed, the City Clerk shall fix a time and place for a public hearing thereon. The City Clerk shall thereupon notify the applicant who shall have the duty to notify all holders of current and valid Certificates of Public Convenience and Necessity for taxicabs and pedicabs and provide proof of such service to the City Council. Any interested person shall have the right either in person or by representatives of their own choosing, to be present at all such hearings and to introduce evidence and to be heard either in support of or opposition to the issuance of a certificate.

(D) Findings of the City Council.

- (1) If the City Council finds that pedicab or further pedicab service is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this subchapter, then the city clerk shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.
- (2) The City Council shall deny any application in which the proposed hours of service, the proposed rate schedule or the gratuity request are found to be unreasonable to meet the public need.
- (3) In making the above findings, the City Council shall take into consideration the number of taxicabs or pedicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and traffic safety, and the character, experience, and responsibility of the applicant.

**117.102 Pedicab Permitted Zone Of
Operation And Approved Fixed Routes**

(A) *Permitted Zone of Operation.* Pedicabs may only operate and carry passengers within the Pedicab Permitted Zone of Operation, as shown on the attached map as authorized by the City Council when granting a Certificate of Convenience and Necessity or on routes or for special events as authorized by the Transportation Services Director. Pedicabs (without passengers) may be taken by licensed pedicab operators from a storage, repair, maintenance or cleaning area outside the Pedicab Permitted Zone Of Operation into such zone or onto an approved route where operations may begin. The City Council may further restrict the hours and dates of operation in Pedicab Permitted Zone Of Operation for any or all pedicab companies.

(B) *Route Approval.*

- (1) All routes outside of the permitted zone of operation shall be approved by the city's Transportation Services Director.
- (2) Operators shall submit to the city's Transportation Services Director all requests for temporary changes in authorized routes, or for participation in special events such as festivals, parades or weddings, not less than three (3) days before the effective date of the change or event.

(C) No pedicab shall be operated in a location where such operation is not authorized by this ordinance or prohibited by the laws of the State of Arkansas or the Fayetteville City Code.

(D) *Operation on City Trails.* Pedicabs may be operated on the entire length of the Frisco Trail, the Scull Creek Trail, the Mud Creek Trail, and other transportation trails during the hours of 10:00 p.m. until 5:00 a.m. except that portions of these trails may be closed to pedicabs by the Parks and Recreation Director for special events or if the trail section is deemed too narrow for pedicabs or if use of pedicabs on the section of trail could cause safety issues. Pedicabs may not operate on any recreation trails in city parks (such as Lake Fayetteville, Wilson Park, Gulley Park, etc.).

(E) The operator of a pedicab shall maintain at least one hand on the handlebars at all times during movement of the pedicab.

(F) No pedicab shall be operated on a street with posted speed limit of thirty-five (35) miles per hour or greater, except for the purpose of crossing that street unless authorized by the Transportation Services Director.

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- (G) No pedicab shall be operated using a gas powered assist motor.

Permitted Pedicab Zone of Operation
 Fayetteville, Arkansas
 August 17, 2010

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(Ord. 5346, 8-17-10; Ord. 5397, 4-19-11)

117.103 Pedicab Driver's Permit

(A) *Pedicab Driver's Permit Required.* No person shall operate a pedicab for hire or for a gratuity upon the streets of the city, and no person who owns or controls a pedicab shall permit it to be so operated, unless the driver of said vehicle shall have first obtained and shall have then in force a pedicab driver's permit issued under the provisions of this article.

(B) *Pedicab Driver's Permit Application.*

(1) An application for a pedicab driver's permit shall be filed with the Fayetteville Police Department on forms provided by the city. Such application shall be verified under oath and shall contain the following information:

- (a) Valid current Arkansas Driver's license.
- (b) The names and addresses of four (4) residents of the county, who have known the applicant for a period of one year and who will vouch for the sobriety, honesty, and general good character of the applicant;
- (c) A concise history of the applicant's employment;
- (d) Proof of training in the use and operation of a pedicab pursuant to a curriculum approved by the chief of police.
- (e) Proof of existing employment or a promise of employment when a pedicab driver's permit is issued with the pedicab company that has a valid Certificate of Public Convenience and Necessity.

(C) *Police Investigation.* The police department shall conduct an investigation of each applicant for a pedicab driver's permit, and a report of such investigation with a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police.

(D) *Issuance of Permit.* The chief of police or designee shall, upon consideration of the application and the reports required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the city council to offer evidence why his/her application should be reconsidered.

(E) *Form and Term of Permit.*

(1) Upon approval of an application for a pedicab driver's permit, the chief of police or designee shall issue a permit to the applicant for an issuance fee of \$35.00, which shall bear the name, address, age, signature, and photograph of the applicant.

(2) The pedicab driver's permit shall remain in effect unless suspended or revoked until January 31, the following year. The pedicab driver's permit may be reissued for another year for a reissuance fee of \$35.00 by the chief of police or designee after ensuring the applicant continues to meet all requirements of this section.

(F) *Application Returned to Pedicab Company.* When a driver's permit is issued, the application and supporting information shall be returned to the holder of the Certificate of Public Convenience and Necessity to be held by the certificate holder so long as the driver is employed by the certificate holder.

117.104 Display Of Permit

Every permittee under this article shall post his or her driver's permit in such a place as to be in full view of all passengers while the driver is operating a pedicab.

117.105 Suspension, Revocation Of Permit

The Chief of Police or Assistant Chief is given the authority to suspend any pedicab driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article, such suspension to last for a period of not more than ten days. The Chief of Police or Assistant Chief is also given authority to revoke any driver's permit for failure to comply with the provisions of this article or for the violation of any local, state or federal law. However, a permit may not be suspended or revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf.

117.106 Insurance Requirements

(A) A holder shall procure and keep in full force and effect commercial general liability insurance written by an insurance company approved by the State of Arkansas and acceptable to the city and issued in the standard form approved by the State Board of Insurance. All provisions of the policy must be acceptable to the city. The insured provisions of the policy must name the city as additional insured and the coverage provisions must provide coverage

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for any loss or damage that may arise to any person or property by reason of the operation of a pedicab service by the holder.

- (B) The commercial general liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than one million dollars (\$1,000,000.00) for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products, completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit \$5,000.00 per person. Aggregate limits of liability are prohibited.

- (C) Insurance required under this section must include:

- (1) A cancellation provision in which the insurance company is required to notify the city in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy; and,
- (2) A provision to cover all pedicabs, whether owned or not by the holder if operated under the holder's Certificate of Public Convenience and Necessity.

- (D) No insurance required by this section may be obtained from an assigned risk pool.

- (E) A Certificate of Public Convenience and Necessity will not be granted and renewed unless the applicant or holder furnishes the city with such proof of insurance as the city considers necessary to determine whether the applicant or holder is adequately insured under this section.

- (F) If the insurance of the holder lapses or is canceled and new insurance is not obtained, the Certificate of Public Convenience and Necessity shall be suspended until insurance coverage required by this section has been obtained. A person shall not operate a pedicab service while the certificate is suspended under this section.

- (G) The holder shall provide adequate employer's liability insurance for the employees as provided by law.

117.107 Conduct Of Drivers

Drivers shall at all times:

- (A) Act in a reasonable, prudent, and courteous manner;
- (B) Maintain a sanitary and well-groomed appearance;

- (C) Not inhale or consume any alcoholic beverage, drug, or other substance that could adversely affect his or her ability to operate a pedicab;

- (D) Not permit a person other than another employee of the pedicab service with a valid Pedicab Driver's Permit to operate a pedicab under his or her control;

- (E) Not permit any person to ride on a place not intended for passengers of the pedicab.

117.108 Pedicab Equipment; Inspection

- (A) *Inspection and maintenance.* Each pedicab shall comply with all the safety requirements imposed by all state, federal or local laws. Each pedicab shall submit to an annual inspection for compliance with the requirements of this article. The inspection shall be performed by the Transportation Department. The fee for inspection shall be \$50.00 per pedicab inspected. No certificate shall be issued or continued in operation unless the holder thereof provides proof of annual pedicab inspection for each pedicab in service.

- (B) *Required equipment.*

- (1) A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment for each pedicab:

- (a) Headlight;
- (b) Tail lights;
- (c) Lights or reflectors on the front and rear corners of the passenger compartment;
- (d) Approved braking system;
- (e) Pneumatic tires that conform with the manufacturer's specifications on all wheels with adequate tread depth;
- (f) Evidence of insurance and city map;
- (g) Mirror;
- (h) No exposed rust, ripped upholstery or fabric, visible chips or scratches on any painted surface, exposed wood that is not painted and in good condition, or dirt or debris on any surface accessible to passengers.
- (i) Seat strap available for passenger use;

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- shall be denoted as cancelled and invalid by the
City Clerk.
- (j) Rate card or gratuity notice card complying with their Certificate of Convenience and Necessity and this code posted in clear view of passengers;
 - (k) Child safety helmet available for passenger use.
 - (l) Sound-warning device;
 - (m) The identification number assigned by the Fayetteville Police Department for the pedicab and telephone number of the pedicab company shall be displayed on the rear of the pedicab with numerals no smaller than two inches in height and one inch in width.

(Ord. 5399, 4-19-11)

117.109 Transfer Of Certificate

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the City Council.

117.110 License Fees

No certificate shall be issued unless the applicant has paid a license fee of \$100.00 to offset the administrative costs to issue a Certificate of Public Convenience and Necessity.

117.111 Suspension, Revocation, And Cancellation Of Certificate

- (A) A certificate issued under the provisions of this article may be revoked or suspended by the Fayetteville City Council if the holder thereof has:
 - (1) Violated any of the provisions of this article;
 - (2) Violated any ordinances of the city, or the laws, federal or state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.
- (B) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.
- (C) If any holder of a Certificate goes out of business, fails to operate under the Certificate for one calendar year, fails to have any vehicle inspected to operate under the Certificate for one calendar year or fails to have any driver or operator properly permitted under the Certificate for one calendar year, the holder's Certificate of Public Convenience and Necessity shall be deemed abandoned and

117.112 Maximum Pedicab Fares Established

- (A) The maximum pedicab fare that can be charged for the transportation of each passenger is hereby established and will be conspicuously posted on each pedicab unless the pedicab will be operated upon a gratuity only basis. The pedicab fare may not exceed \$8.00 per passenger for operations within the Pedicab Permitted Zone of Operation.
- (B) If a pedicab is operated on a gratuity only basis, no minimum fare or gratuity may be charged. The pedicab shall conspicuously post the following sign clearly visible to the passengers: "No fare or minimum gratuity may be charged by the pedicab driver for passengers. Passengers may offer whatever gratuity they believe is appropriate for the pedicab ride."

117.113 Number Of Passengers In Pedicabs Limited To Three Persons

Pedicab drivers must ensure that the rated carrying capacity of their pedicabs is never exceeded. No more than three persons may be passengers in a pedicab.

117.114 Pedicabs May Not Use Public Sidewalks

Pedicabs may not operate on or park on public sidewalks in Fayetteville. Pedicabs must pay a full normal parking space fee when stopped for more than one minute or parked within a paid parking space.

117.115 A.D.A. Compliance

Holders shall comply with all applicable provisions of the Americans with Disabilities Act.

(Ord. 5346, 8-17-10)